1957

File No. Prev. of Adultn Act II/51 (R)

Legal Deptt

B **BRANCH**

Subject:—

[redacted] under the

Bombay Prevention of Adultration Act, 1925

File No. Prev of Adulteration II/51 (R)

Gen. 104 e.

572-13

Office of the R.L.A.

The draft rules at p. 3 ante proposed by the Local Self Government and Public Health Department are not in order. What new section 11-A of the Act contemplates is the prescription of a form in report should be made to the authorised officer by the inspector who has procured or by the person who has purchased any article or sample of food for being sent to a public analyst. Such report may contain information as regards the article or sample of food procured, the date on which it was procured, the place where the food was manufactured, offered, kept or exposed for sale, and the name of the public analyst to whom any article or sample of food was sent for analysis. The report should not, as suggested, contain any request on the part of the inspector or person concerned to prohibited the sale, disposal or removal of the article concerned, for, under sub-section (2) of section 11-A it is the concrn of the authorised officer to decide whether the sale, disposal or removal of the article concerned should be prohibited or not, and in arriving at his decision the authorised officer should not be fettered or influenced by any such request. It would be, therefore, necessary for the Department to devise two forms, one to be adopted by the inspector and the other to be adopted by the person who has purchased any article or sample of food for making report to the authorised officer.

2. The proposal of the Department to make a rule for appointing an officer to whom a report as contemplated by sub-seetion (1) of section 11

should.....

should be made, is not in order. No rule for the purpose can be made by the Government under the Act. It would be entirely for the local authority concerned to authorise specifally such officer. The Department should redraft the rules and the forms in the light of the suggestions made and then send themm to the R.L.A. for scruitiny.

Id/- J.R.D.
20/6

Remembrancer of Legal Affairs.

U.R. to L.S.G. & P.H.D.No.9831,
dated the 21st June 1951.

JPE.17/7/5